



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

DEC 18 2000

Mr. James Johnson
Chief of Planning and Policy Division
U.S. Army Corps of Engineers
441 G Street, NW
Washington, DC 20314-1000

Dear Mr. Johnson:

RE: Review of the Sand Creek Watershed Final Environmental Impact Statement in Saunders County, Nebraska

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Sand Creek Watershed Environmental Restoration Project, dated October 2000. The FEIS was assigned the Council on Environmental Quality (CEQ) number 000385.

We have reviewed the information presented in the FEIS in regard to the environmental concerns EPA had with the Draft Environmental Impact Statement (DEIS). In our July 27, 2000 DEIS comment letter, we assigned the DEIS a rating of "EC-2" (Environmental Concerns - Inadequate Information). We are disappointed with the Corps' unresponsiveness to EPA's concerns, as stated in the FEIS. We believe three significant environmental issues remain that are not adequately addressed: 1) lack of current environmental data on water quality within the project area; 2) the need for the project and project alternatives; and 3) insufficient analysis of cumulative impacts.

The Corps needs to ensure that its environmental analysis of the project area is based on reliable, current data. The regulations found at 40 CFR 1502.15 require that data presented in the EIS to describe the area affected by the project be commensurate with the importance of the impact. The importance and underlying purpose of this project, as tendered in the FEIS, is for environmental restoration and, therefore, one would expect a thorough and accurate environmental analysis of current conditions in the affected area. EPA is not convinced by the Corps' responses in the FEIS that it has carefully evaluated the existing conditions of the Sand Creek watershed and, ultimately, the need for this federal project.

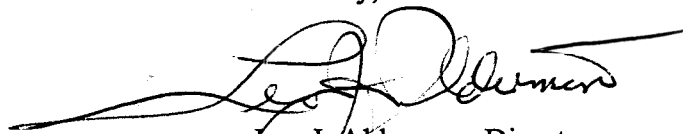
Throughout the document, the Corps makes reference to environmental data that does not reflect the current conditions of the Sand Creek watershed. The FEIS also makes geographically broad reference to generic conditions that may potentially affect the Great Plains region, but does not substantiate an impending environmental threat within the project area. EPA recommends that the Corps conduct a comprehensive watershed study germane to the project area and in support of the stated project purpose. Additionally, because this project is being represented as an environmental restoration project and is being proffered to improve water quality in the watershed, monitoring and enforcement of future conditions should be implemented to measure the success of the project.

The "need" for a project should provide the basis of justification for the proposed action and attest to the project purpose. The information offered in the Sand Creek FEIS provides limited historical data and a qualitative look at generic factors that may potentially affect any watershed, but fails to analyze existing problems associated with the Sand Creek watershed. Consequently, viable project alternatives may be overlooked or eliminated from consideration because project goals are unclear due to an inadequate description of the project need. In conjunction with our previous concern, the need for this project does not appear to be substantiated without obtaining and analyzing the existing environmental state of the watershed. Properly addressing this concern may ultimately reveal more reasonable project alternatives which would help prevent environmental degradation within the Sand Creek watershed and improve water quality.

Finally, the FEIS fails to sufficiently analyze cumulative impacts. For example, the project will substantially increase recreational opportunities, but cumulative impacts from future development which may adversely affect the project area are not examined adequately in the FEIS. Additionally, the project would provide for increased flood damage protection to area residents, but the cumulative impacts associated with flood control are also not addressed adequately. EPA recommends that the Corps consider these impacts as an integral consequence of the proposed project.

In conclusion, while EPA supports environmental restoration projects, we wish to express our continuing concerns about this project as presented, and recommend the Corps undertake a comprehensive environmental baseline study of the watershed and its needs before proceeding further. If you have any questions regarding this letter, please contact Royce B. Kemp at (913)551-7551.

Sincerely,



Leo J. Alderman, Director
Environmental Services Division

cc: Steve Anshutz, USFWS
John Bender, NDEQ